

REMARKS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 1 - 20 are pending in the application. Currently, no claim stands allowed.

By the present amendment, claims 1 - 20 have been cancelled in favor of new claims 21 - 33.

In the office action mailed September 30, 2002, claims 1 - 11 were rejected under 35 U.S.C. 101 for double patenting. Further, claims 12 - 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,029,541 to Palmer in view of U.S. Patent No. 3,707,798 to Tryon.

The foregoing rejections have been traversed by the present amendment. The rejection under 35 U.S.C. 101 has been mooted by the cancellation of claims 1 - 11. The rejection under 35 U.S.C. 103(a) is no longer valid in view of the cancellation of claims 12 - 20.

The present invention relates to a decoy comprising a three dimensional main body and a photograph non-adhesively incorporated into the main body. The photograph contains animal features. In a preferred embodiment of the present invention, the photograph is screen printed onto the material forming the main body.

The present invention also relates to a kit comprising the aforesaid three-dimensional decoy main body, an orifice in the main body, and at least one head having a flange insertable into the orifice.

It is submitted that none of the prior art references cited and applied by the Examiner teach or suggest these features. The Palmer patent relates to a three-dimensional duck decoy having a body portion and a detachable head portion. The body portion and the head portion are formed from expanded polystyrene. Palmer does not teach or suggest incorporating a photograph having animal features into the main body.

The Tryon patent relates to a goose decoy comprising a form upon which is adhesively mounted a color reproduction of an actual goose. It should be noted that the color reproductions are two dimensional reproductions adhesively secured to flat surfaces. The Tryon patent would not teach one of ordinary skill in the art how to incorporate a photograph into a three dimensional body.

Consequently, claim 21 is allowable because none of the cited and applied references teaches "a photograph containing animal features non-adhesively incorporated into the main body."

Claim 22 is allowable because none of the cited and applied references teach or suggest a photograph screen-printed onto the main body.

Claims 23 - 27 are allowable for the same reasons as claim 21 as well as on their own accord.

Claim 28 is allowable for the same reason as claim 22.

Claim 29 is allowable for the same reason as claim 28 as well as on its own accord. The photographs used by Tryon do not contain corrections to allow the photograph to be screen printed onto a three dimensional main body.

Claim 30 - 33 are allowable for the same reason as claim 21 as well as on their own accord.

The instant application is now believed to be in condition for allowance. Such allowance is respectfully requested.

Should the Examiner believe that an additional amendment is needed to place the case in condition for allowance, he is invited to contact Applicants' attorney at the telephone number listed below.

No fee is believed to be due as a result of this response. Should the Commissioner determine that a fee is due, he is

hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

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on December 23, 2002
(month and year)

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12-23-02
Date of Signature